

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.) NO. 3:10-00198
)
THOMAS JUDE ROY)

O R D E R

Defendant Roy, through counsel, has filed his motion to amend conditions of release (Docket Entry No. 15). For the reason stated below, this motion is **DENIED**.

Defendant Roy has been indicted in this district for the offense of failing to pay child support, in violation of Title 18, United States Code, Section 228(a)(3). Defendant Roy was arrested on August 11, 2010, in the Northern District of Alabama. He appeared in that district before United States Magistrate Judge Paul W. Greene, who released defendant Roy subject to certain conditions including the conditions that he maintain his current residence and restrict his travel to the Northern District of Alabama and the Middle District of Tennessee (Docket Entry No. 4-2 at 4). By his present motion, defendant Roy seeks an amendment of these conditions of release to allow him Roy to move to a new residence in Tupelo, Mississippi and to expand his travel restriction to allow travel to and from his new residence in Mississippi (Docket Entry No. 15).

In the course of considering a similar motion filed in another case, Magistrate Judge Clifton Knowles has recently found that such a motion is governed by 18 U.S.C. § 3145, and that a Magistrate Judge in the charging district lacks authority to review a detention or release decision by a Magistrate Judge in the arresting district. United States v. Dehart, Case No. 3:10-mj-04062 (M.D. Tenn, Sept. 24, 2010). The undersigned Magistrate Judge adopts the finding of Magistrate Judge Knowles in the Dehart decision, and, for the reasons stated therein, finds that the undersigned Magistrate Judge lacks the authority to review the release decision of Magistrate Judge Greene of the Northern District of Alabama. A motion to amend conditions of release pursuant to 18 U.S.C. § 3145(a)(2) should be addressed to the district judge.

For the reasons stated above, the undersigned Magistrate Judge **DENIES** defendant Roy's motion to amend release order without prejudice to the defendant's right to file a similar motion addressed to the district judge.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge